IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11967 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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KANUBHAI LALLUBHAI SODHA (PARMAR) - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR SM CHUDASAMA for Petitioner(s) : 1,
MR DIPEN DESAI ASSTT GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 04/07/2007

ORAL JUDGMENT :

1. Learned counsel for the petitioner relied upon the order dated 22.3.2007 of this court (Coram: Hon'ble Mr.Justice K.S.Jhaveri) in SCA

No.4222 of 2007 to submit that the co-accused person alleged to have been involved in the same case, i.e. C.R.No.213 of 2006 registered in Chhani Police Station, was detained under similar order and that order was set aside by this court. It was further submitted that, other co-accused, namely, Manilal, was also ordered to be released in the same manner and, in case of the third co-accused, namely, Devilal, even the Advisory Board under PASA had recommended his release and consequently the State Government has revoked the order of detention. Learned A.G.P. fairly conceded to the above factual position. It was, therefore, jointly submitted that, in absence of any distinguishing feature in the present case, it was not necessary to set out the relevant facts and contentions for reaching to the same conclusion of the detention of the detenu being illegal and unjustified.

2. Therefore, on the same facts, grounds and reasoning as in the case of co-detenu, namely, Rajubhai I. Mali, the petitioner in the aforesaid SCA No.4222 of 2007, similar order in the case of the present petitioner was requested and required to be made. Accordingly, the petition is allowed and the impugned order dated 22.11.2006 for detention of the petitioner is set aside. The

petitioner is ordered to be set at liberty forthwith, if not required in connection with any other case by the authority. Rule is made absolute. Direct service is permitted.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)